

CITY OF CARLSBAD

COUNCIL POLICY STATEMENT

General Subject: ENGINEERING FEES

Specific Subject: Vacation of Streets and Quitclaim
of Easements

Policy No. 26 (Page 1 of 2)

Date Issued 8-21-79

Effective Date 8-21-79

Cancellation Date

Supersedes No.

Copies to: City Council, City Manager, City Attorney, Department and
Division Heads, Employee Bulletin Boards, Press, File

Purpose:

To establish a Council Policy and set fees for the vacation of streets
and the quitclaim of easements.

BACKGROUND:

Street Vacations

Street vacations require extensive staff work to prepare maps and legal
descriptions, notify interested parties and public utilities, prepare
resolutions and notices of hearing, post streets, prepare staff reports,
etc. This process takes between 20 and 25 hours of staff time. The
City actually approves a vacation only after the Council is satisfied
that it has no further need for a street.

Quitclaim of Easement

Although the process for quitclaim of easement is not nearly as compli-
cated as the process for street vacation, it does require a considerable
amount of staff time and City Council action.

Investigations to facilitate street vacation or quitclaim of easement are
usually initiated by a property owner who will benefit from the vacation
or quitclaim. The results of an investigation may conclude:

1. That the City required the street or easement as a condition
of land division or development, they never used it. In
this case, the property did not benefit from the street or
easement.
2. That the City required the street or easement as a condition
of land division or development, used the street or easement
for a period of time, then no longer required it. In this
case, the property did benefit from the street or easement.
3. That the City required the street or easement as a condition
of land division or development and still has an interest in
maintaining the street or easement.

In Case 3, the request for vacation or quitclaim would be denied. In
this case, the City should be compensated for "research time" on be-
half of a private citizen.

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In Case 2, the request for vacation or quitclaim would result in a recommendation for approval. The property, however, did benefit from the street or easement and will now benefit from the street or easement and will now benefit from the vacation or quitclaim. Staff time should be compensated for on this request.

In Case 1, the property never benefited from the street or easement and the City staff time for quitclaim research should not be compensated.

Often, the result of research on a vacation or quitclaim will result in a decision affecting more than just the citizen who applied for the vacation or quitclaim. If the vacation or quitclaim is approved and will benefit more than just the original applicant, no charge will be made to the other beneficiaries for the additional vacations or quitclaims.

PROCEDURE:

Street Vacations

1. A written request accompanied by a fee of \$400 shall be submitted by any citizen requesting a street vacation.
2. The City Engineer shall cause a preliminary investigation to be initiated, and if justified, prepare a "Resolution of Intention to Abandon" for Council action and setting of hearing.
3. The City Engineer shall provide the "Notice of Intention" to all affected agencies.
4. The City Council shall hold a public hearing to determine whether or not the street vacation shall take place.
5. Upon approval of a "Resolution to Abandon a Public Street," the Council may also choose to refund the \$400 application fee, if the City never utilized the street.

Quitclaim of Easement

1. A written request accompanied by a fee of \$40 shall be submitted by any citizen requesting quitclaim of easement.
2. The City Engineer shall cause an investigation to be made and, if justified, shall recommend that the City Council approve a quitclaim of easement.
3. Upon approval of a quitclaim of easement the Council may also choose to refund the \$40 application fee, if the City never utilized the easement.